

REMARKS

The Examiner is thanked for the telephone interview during which a Proposed Amendment of February 4, 2004, in respect of claim 17 was discussed and modified into the above form for agreement of allowance, claim 17 above now also including the word "nearly" for more exact correspondence with the specification.

However, claim 18 of the Proposed Amendment of February 4, 2004, was not allowed, based on the Examiner's additional combination into a rejection of the previously cited Rieschick U.S. Patent 844,750. The Examiner was then of the opinion that such a rejection could not be overcome with a P/n ratio in claim 18, which recites locking recesses, as with claim 17, which recites locking projections, because the specification only describes the P/n ratio for locking projections.

This reason for rejection was maintained after a Proposed Amendment of March 24, 2004, pointing out parallelisms between the descriptions of Figs. 29 and 30 showing the claimed projections and Figs. 27 and 28 showing the claimed recesses, a further telephone interview and the Examiner's conference with her Primary Examiner as reported by telephone March 31, 2004. Therefore, this limitation of claim 18 in the last Proposed Amendment has been deleted in this Amendment.

Instead, claim 18 now traverses the rejection under 35 USC 103 for obviousness from the cited Olson '757 patent by having a locking function consisting of locking recesses. As clearly shown in Fig. 5 of the Olson '757 patent, its locking function is achieved only with both locking recesses and locking projections that are now excluded from claim 18. Teachings in a patent away from the claimed invention, like the locking projections of the Olson '757 patent, cannot be ignored and, therefore, the Olson '757 patent cannot make the

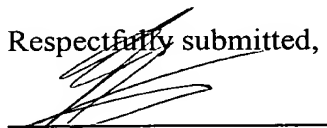
claimed invention obvious.

For this reason, the Examiner proposed the addition to the rejection of the cited Rieschick for its disclosure of only locking recesses. However, the teaching away of the Olsen '757 patent bars this combination of references in the same way as it fails to make a proper rejection of claim 18 by itself. In order to combine references, there must be motivation to combine them, and such motivation cannot arise when one of the references teaches away from the combination as in this case. When one reference teaches away from the combination, the combination can only be made by hindsight from the applicant's disclosure, which is improper, of course.

The Olson '757 patent also relates to a tapping screw, and not a bolt, as in claim 18. This difference is shown in the tapered threaded part of the Olson '757 as opposed to the cylindrical threaded part now claimed. The Rieschick patent, in further contrast, relates to a nut. A tapping screw and a nut do not teach toward combination for rejection of the cylindrical bolt invention of claim 18 except by hindsight from the applicant's disclosure, which is improper, of course.

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,



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